

JOHNSON BOTTINI, LLP  
 FRANK J. JOHNSON (174882)  
 frankj@johnsonbottini.com  
 FRANCIS A. BOTTINI, JR. (175783)  
 frankb@johnsonbottini.com  
 DEREK J. WILSON (250309)  
 derekw@johnsonbottini.com  
 655 W. Broadway, Suite 1400  
 San Diego, CA 92101  
 Telephone: (619) 230-0063  
 Facsimile: (619) 233-5535

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

MARY E. BARBOUR AS TRUSTEE FOR ) Case No. C 08-02029 CRB  
 THE MARY E. BARBOUR FAMILY TRUST )  
 ONE, Derivatively On Behalf of BROCADE ) (Derivative Action)  
 COMMUNICATIONS SYSTEMS, INC., )

Plaintiff, ) PROOF OF SERVICE  
 )

vs. )

GREGORY L. REYES, DAVID L. HOUSE, ) Hearing Date: August 29, 2008  
 MICHAEL KLAYKO, RICHARD ) Hearing Time: 10:00 a.m.  
 DERANLEAU, KUMAR MALAVALLI )  
 ANTONIO CANOVA, MICHAEL J. BYRD, ) Department: Courtroom 8, 19th Floor  
 STEPHANIE JENSEN, NEIL DEMPSEY, ) Judge: Honorable Charles R. Breyer  
 SANJAY VASWANI, L. WILLIAM ) Date Action Filed: April 18, 2008  
 KRAUSE, ROBERT R. WALKER, GLENN )  
 C. JONES, MICHAEL J. ROSE, SETH D. )  
 NEIMAN, NICHOLAS G. MOORE, )  
 CHRISTOPHER B. PAISLEY, WILLIAM K. )  
 O'BRIEN, LARRY SONSINI, MARK )  
 LESLIE, TYLER WALL, RENATO A. )  
 DIPENTIMA, JOHN W. GERDELMAN, )  
 ROBERT D. BOSSI, KPMG, LLP, WILSON )  
 SONSINI GOODRICH & ROSATI, P.C. AND )  
 DOES 1-25, inclusive, )

Defendants, )

and )

BROCADE COMMUNICATIONS )  
 SYSTEMS, INC., a Delaware corporation, )

Nominal Defendant. )

1 I am employed in the County of San Diego; I am over the age of eighteen years and not a  
 2 party to the within entitled action; my business address is 655 West Broadway, Suite 1400, San  
 3 Diego, CA 92101.

4 On July 25, 2008, I served a copy of the following documents:

5 PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR PARTIAL SUMMARY  
 6 JUDGMENT AGAINST DEFENDANT GREGORY L. REYES ON COUNT XIV  
 7 (DECLARATORY RELIEF) OF PLAINTIFF'S AMENDED SHAREHOLDER  
 8 DERIVATIVE COMPLAINT; MEMORANDUM OF POINTS AND  
 9 AUTHORITIES IN SUPPORT THEREOF;

10 DECLARATION OF FRANCIS A. BOTTINI, JR. IN SUPPORT OF PLAINTIFF'S  
 11 MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST DEFENDANT  
 12 GREGORY L. REYES ON COUNT XIV (DECLARATORY RELIEF) OF  
 13 PLAINTIFF'S AMENDED SHAREHOLDER DERIVATIVE COMPLAINT;

14 PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF HER  
 15 MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST DEFENDANT  
 16 GREGORY L. REYES ON COUNT XIV (DECLARATORY RELIEF) OF  
 17 PLAINTIFF'S AMENDED SHAREHOLDER DERIVATIVE COMPLAINT; and

18 [PROPOSED] ORDER GRANTING MOTION FOR PARTIAL SUMMARY  
 19 JUDGMENT AGAINST DEFENDANT GREGORY L. REYES ON COUNT XIV  
 20 (DECLARATORY RELIEF) OF PLAINTIFF'S AMENDED SHAREHOLDER  
 21 DERIVATIVE COMPLAINT.

22 ☐ [BY MAIL] I placed each such sealed envelope, with postage thereon fully prepaid for first-  
 23 class mail, for collection and mailing at Johnson Bottini, LLP, San Diego, California,  
 24 following ordinary business practices. I am familiar with the firm's practice for collection  
 25 and processing of correspondence, said practice being that in the ordinary course of business,  
 26 correspondence is deposited in the United States Postal Service the same day as it is placed  
 27 for collection.

28 ☐ [BY FACSIMILE] The document stated herein was transmitted by facsimile transmission  
 and the transmission was reported as complete and without error. A transmission report was  
 properly issued by the transmitting facsimile machine and a copy of said transmission report  
 is attached to the original proof of service indicating the time of transmission.

☐ [BY OVERNIGHT MAIL] I placed each such sealed Federal Express envelope, with a pre-  
 paid airbill attached thereto and delivered the envelope to a Federal Express agent for  
 delivery to the parties listed on the attached Service List.

☒ [BY PERSONAL SERVICE] By causing the documents described above to be delivered by  
 hand on this date before 5:00 p.m. to the following parties:

26 Nadeem Faruqi  
 27 Adam R. Gonnelli  
 28 FARUQI & FARUQI, LLP  
 369 Lexington Ave., 10th Floor

**Attorneys for Plaintiffs, Case No. C 05-02233**

1 New York, NY 10017  
2 (212) 983-9330 (tel)

3 William B. Federman  
4 FEDERMAN & SHERWOOD  
5 10205 North Pennsylvania Ave.  
6 Oklahoma City, OK 73120  
7 (405) 235-1560 (tel)

8 John C. Dwyer  
9 Grant P. Fondo  
10 James M. Penning  
11 COOLEY GODWARD KRONISH LLP  
12 Five Palo Alto Square, 4th Floor  
13 3000 El Camino Real  
14 Palo Alto, CA 94306  
15 (650) 843-5000 (tel)

**Attorneys for nominal defendant  
BROCADE COMMUNICATION  
SYSTEMS, INC.**

16 Stephen E. Taylor  
17 Jessica L. Grant  
18 TAYLOR & COMPANY LAW  
19 OFFICES, LLP  
20 One Ferry Building, Suite 355  
21 San Francisco, CA 94111  
22 (415) 788-8200 (tel)

**Attorneys for Defendants LARRY SONSINI  
and WILSON SONSINI GOODRICH &  
ROSATI, P.C.**

23 Ralph C. Ferrara  
24 DEWEY & LEOEUF  
25 1101 New York Ave. NW, Suite 100  
26 Washington DC 20005  
27 (202) 346-8000 (tel)

**Attorneys for the SPECIAL LITIGATION  
COMMITTEE**

28 Jack Patrick DiCanio  
Richard Marmaro  
SKADDEN ARPS SLATE MEAGHER &  
FLOM LLP  
300 South Grand Avenue, Suite 3400  
Los Angeles, CA 90071  
(213) 687-5000 (tel)

**Attorneys for defendant GREGORY L.  
REYES**

Robert C. Friesse  
SHARTSIS FRIESE LLP  
One Maritime Plaza, 18th Floor  
San Francisco, CA 94111  
(415) 421-6500 (tel)

**Attorneys for defendant KUMAR  
MALAVALLI**

1 Alexander M.R. Lyon  
Norman J. Blears  
2 HELLER EHRMAN LLP  
275 Middlefield  
3 Menlo Park, CA 94025  
4 (650) 324-7000 (tel)

**Attorneys for defendant ANTONIO  
CANOVA**

5 Jonathan A. Shapiro  
WILMER CUTLER PICKERING HALE &  
6 DORR LLP  
1117 California Avenue  
7 Palo Alto, CA 94304  
8 (650) 858-6000 (tel)

**Attorneys for defendant SETH D. NEIMAN**

9 Ramiz I. Rafeedie  
KIRKPATRICK & LOCKHART PRESTON  
10 GATES ELLIS LLP  
55 Second Street, Suite 1700  
11 San Francisco, CA 94105  
12 (415) 882-8200 (tel)

**Attorneys for defendant NEIL DEMPSEY**

13 Jan Nielsen Little  
KEKER & VAN NEST  
14 710 Sansome Street  
San Francisco, CA 94111  
15 (415) 391-5400 (tel)

**Attorneys for defendant STEPHANIE  
JENSEN**

16 Geoffrey M. Ezgar  
17 Robert Martin  
SIDLEY AUSTIN LLP  
18 555 California Sreet., Suite 2000  
19 San Francisco, CA 94104  
20 (415) 772-1200 (tel)

**Attorneys for KPMG LLP**

21 Patrick C. Doolittle  
QUINN EMANUEL URQUHART OLIVER  
& HEDGES LLP  
22 555 Twin Dolphin Drive, Suite 560  
23 Redwood Shores, California 94065  
(650) 801-5000 (tel)

**Attorneys for defendant MICHAEL BYRD**

24 Stephen D. Hibbard  
25 SHEARMAN & STERLING LLP  
525 Market Street, Suite 1500  
26 San Francisco, CA 94105  
27 (415) 616-1174 (tel)

**Attorneys for RICHARD DERALEAU,  
WILLIAM O'BRIEN DAVID HOUSE,  
GLENN JONES, MICHAEL KLAYKO, L.  
WILLIAM KRAUSE, NICHOLAS G.  
MOORE, CHRISTOPHER PAISLEY,  
MICHAEL ROSE, SANJAY VASWANI,  
and ROBERT R. WALKER**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- ☐ [BY ELECTRONIC MAIL]: My electronic business address is frankb@johnsonbottini.com and I caused such document(s) to be electronically mailed.
- ☐ [BY ELECTRONIC ACCESS]: Pursuant to the Court's CM/ECF Electronic Filing policies and procedures, I hereby certify that the above documents were electronically filed with the Court who will give notification of the filing to all Filing Parties in this action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true correct and true. Executed on July 25, 2008, at San Diego, California.

\_\_\_\_\_  
/s/ Francis A. Bottini, Jr.  
FRANCIS A. BOTTINI, JR.